

## 4VAC15-90-70. Game: Deer: Archery Hunting.

### Summary:

The proposal will (i) provide full season either-sex deer hunting during the archery deer seasons on PALS (Public Access Lands) in Dickenson County and (ii) include common interest communities (e.g., property owners' associations) in the urban archery season.

### Proposed language of amendment:

#### **4VAC15-90-70. Archery Hunting.**

A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a slingbow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with archery equipment or a slingbow:

1. From the Sunday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in (i) all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County); (ii) in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick; (iii) on the Chester F. Phelps Wildlife Management Area; and (iv) on national forest lands in Frederick County.

2. From December 1 through the first Saturday in January, both dates inclusive, in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section ~~(except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).~~

D. It shall be unlawful to carry firearms while hunting with archery equipment during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a special muzzleloading deer season.

E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except on national forest and department-owned lands) and counties with a human population density of 300 persons per square mile or more (except on national forest and department-owned lands), provided that its governing body submits by certified letter to the department prior to April 1, its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent not to participate in the special urban archery season. When consistent with the department's deer

management objectives and subject to the director's approval, a participating county may exclude from this season a geographic area or areas by submitting a clear description of such area or areas in a certified letter to the department prior to April 1.

G. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow, during dates specified in subsection F, within the boundaries of any common interest community as defined in §55-528 of the Code of Virginia provided that the governing board, or authorized agent thereof, of the property owners', condominium unit owners', or proprietary lessees' association ("association") submits by certified letter to the department prior to July 1, its request to participate in the special urban archery season, and provided further that the department approves such request. This season will in no way supersede any local ordinance, any restriction in the association's governing documents, or the requirement to obtain a landowner's permission to hunt. An association no longer participating in the special urban archery season shall submit by certified letter to the department prior to July 1 notice of its intent not to participate in the special urban archery season. At its discretion, the department may suspend or revoke the special urban archery season in any association upon written notice to the association.

G~~H~~. It shall be lawful to hunt antlerless deer during the special antlerless archery season with archery equipment or a slingbow from the Monday following the last Sunday in March through the last Sunday in April, both dates inclusive, in the Counties of Arlington, Fairfax, Loudoun, and Prince William (including the cities and towns within).

### **Rationale:**

Dickenson PALS. In fall 2006, archery deer seasons were opened to either-sex deer hunting in Buchanan County and on private lands in Dickenson and Wise counties. At the time, local Department staff requested a more conservative approach on the newly acquired PALS (Public Access Lands) in Dickenson County.

Over the last several years, the Department has received increased interest in increasing either-sex deer hunting opportunities in the counties of Buchanan, Dickenson, and Wise. Department staff now feel that allowing either-sex deer hunting on PALS lands in Dickenson County will address some of these comments.

This proposal will also simplify deer regulations by creating a standard opportunity statewide for either-sex deer hunting during archery seasons. PALS lands in Dickenson County are currently the only area in Virginia under a buck-only regulation during archery seasons.

HOA Season. The Department initiated the urban archery season in 2002 to reduce deer-human conflicts in urban areas while providing recreation for hunters. All cities and towns in the Commonwealth, and all counties with an average population density of 300 persons per square mile or more, are eligible to participate in this season. The season has grown from 11 localities participating in 2002-03 to 52 participating during the 2018-19 hunting season.

Many residential communities with significant deer-human conflicts are not eligible for the urban archery season because they are located in a political jurisdiction that is not eligible to participate in the urban archery season. For example, many property owners' associations are located in counties that do not meet the population density threshold noted above. Nonetheless, residents of such communities experience deer impacts similar to cities and towns.

This proposal would rectify this situation by enabling any common interest community, as defined in §55-528 of the Code of Virginia, to participate in the urban archery season as long as it is approved by the

Department. Personnel in the Virginia Department of Professional and Occupational Regulation were consulted regarding appropriate terminology in this regulation.

Unlike cities, towns, and counties that participate in the urban archery season, the Department will not list common interest communities that choose to participate in the hunting laws digest or on the Department's website. Therefore, a later deadline for application is provided for these communities (July 1) than for cities, towns, and counties (April 1).